

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **DOMINGO RIBOT RUIZ JR**
SSN xxx-xx-2491

CASE NO: **18-04122-MCF**

Debtor(s)

Chapter 13

- AMENDED -

TRUSTEE'S OBJECTION TO PROPOSED PLAN CONFIRMATION UNDER SECTION 1325

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **JESUS E BATISTA SANCHEZ***

Total Agreed: **\$0.00** Paid Pre-Petition: **\$0.00** Outstanding (Through the Plan): **\$0.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1325

Debtor's/s' Commitment Period: ☐ Under Median Income 36 months ☒ Above Median Income 60 months §1325(b)(1)(B)
☐ The Trustee cannot determine debtor's/s' commitment period at this time. Projected Disposable Income: **\$0.00**

Liquidation Value: \$2,531.00 Estimated Priority Debt: \$12,303.26

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the (amended) Plan date: **Mar 05, 2019 (Dkt 33)** **Plan Base: \$32,400.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.: **0.00 %**

The Trustee objects to confirmation for the following reasons:

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

Debtor has failed to submit statement of income and expenses for June 2018.

Debtor must submit 2017 annual statement for the corporation, the one that shows assets and liabilities.

Debtor must submit evidence of rent income. It is \$1,300.00 for a commercial property.

Debtor has two sources of income: (a) rental of construction equipment; and (b) rental of commercial property.

Debtor must clarify expenses listed in MORs as "direct expenses".

Debtor must submit bank statements with BPPR for the six months prior to filing bankruptcy. This is a corporate statement, but Debtor operates corporation as a dba.

[1325(a)(4)] Plan fails Creditors Best Interest Test.

Debtor is the personal owner of certain construction equipment: (a) a bobcat; (b) maquina de ligadora de cemento; (c) and a mini digger. He has also other miscellaneous business equipment, such as wood panels and jacks. The same have not been listed in schedules.

Debtor failed to list inheritance participation in a property located at 254 Jorge Bird Diaz, Fajardo. Father is deceased, mother lives, there are five heirs including Debtor. Said participation must be listed and evidence of the value assigned must be submitted.

Debtor failed to list bank account with BPPR in Schedule B. Although the same is the corporate bank account, Debtor says he uses the same as a personal account.

Debtor failed to list retirement account with Fidelity. Debtor said the same has about \$600.00.

Liquidation value cannot be determined at this time.

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

- 1325 (a)(5)(A): Secured creditor(s) provided for in the plan has/have NOT ACCEPTED the same.

Plan provides for the payment of the value of the collateral to Banco Popular de Puerto Rico "BPPR". Debtor failed to notify creditor per Fed. R. Bank. P. 7004. This is one of the reasons why BPPR is objecting plan confirmation.

[1325(a)(6)] Payment Default Feasibility – Debtor(s) is in default with proposed plan payments, to the trustee and/or creditor(s).

Debtor continues to be \$1,600.00 in arrears in payments to the Trustee (three payments).

[1325(a)(9)] Tax Requirements – Debtor(s) fails to comply with Tax Return filing requirement of [1308].

Debtor has failed to submit evidence of having filed local tax returns for years 2014 to 2017 and 1040 PR forms for years 2014 to 2017.

*OTHER COMMENTS / OBJECTIONS

NOTE: Debtor has not had possession of the vehicle financed with BPPR for a year. The same is in Taller Junior, subject to a Mechanic's lien.

COOP ROOSEVELT ROADS, secured creditor in the case, objected the confirmation of the plan. Docket no. 50 Re: The plan fails to provide for the full and complete payment of pre-petition arrears owed, and the plan fails to provide adequate protection payments and equal monthly payments for creditor

***TRUSTEE WILL FILE A MOTION TO DISMISS:**

-For Failure to Continue Payments (Arrears)

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
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Date: October 11, 2019

/s/ Nannette Godreau, Esq.